

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
NO. 4:14-CV-165-H-KS

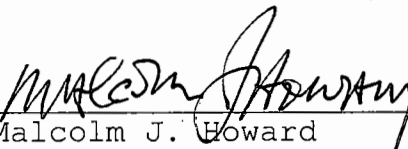
ROGER SOUTHERLAND and)
GWENDOLYN DOZIER, as)
Individuals and as)
Representatives on behalf of)
all others similarly)
situated,)
)
Plaintiffs,)
)
)
v.)
)
)
THE HILLSHIRE BRANDS COMPANY)
and DOES 1 through 20,)
Inclusive,)
)
Defendants.)

ORDER

This matter is before the court for review of the Memorandum and Recommendation ("M&R") of July 21, 2017, entered by United States Magistrate Judge Kimberly A. Swank recommending that this court enter an order sua sponte dismissing Does 1 through 20 from this action pursuant to Rule 12(b)(6) for failure to state a claim upon which relief can be granted or pursuant to Rule 4(m) for failure to effect service in a timely manner. The court finds the complaint in this matter contains no allegations against Does 1 through 20 and no summonses have been issued as to any such Doe defendants. Further, no objections were filed to the M&R.

Accordingly, the court adopts the recommendation of the magistrate judge as its own; and for the reasons stated therein, hereby sua sponte dismisses Does 1 through 20 from this action pursuant to Rule 12(b)(6) for failure to state a claim upon which relief can be granted and pursuant to Rule 4(m) for failure to effect service in a timely manner.

This 31st day of October 2017.



Malcolm J. Howard
Senior United States District Judge

At Greenville, NC
#26